



Georgia Department of Early Care and Learning

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MEMORANDUM

To: Non-licensed Institutions, Facilities, and Sponsors Applying to or Participating in the CACFP and/or the SFSP

From: Sonja Adams, Director of Provider Services (*Original Signed*)

Date: April 17, 2019

Subject: Requirements for Obtaining a Food Service Permit (v.4)

Legal Authority: 2 CFR §200; 7 CFR § 225; 7 CFR § 226; FNS Instruction 769-4 Rev. 4; and Georgia Department of Public Health Rules and Regulations, Chapter 511-6-1.

Cross Reference: DECAL Policy Memorandum, *Health and Safety Inspection Requirements*, January 30, 2015

The purpose of this memorandum is to provide additional guidance to **non-licensed** Child and Adult Care Food Program (CACFP) institutions/facilities and Summer Food Service Program (SFSP) sponsors who prepare Program meals. Additionally, this guidance further explains the requirements for completing the food service permitting process. Such process is required by non-licensed facilities serving CACFP and/or SFSP meals that are manipulated or handled by Program staff. DECAL recommends that participants use this document as a tool when navigating through Georgia's food service permitting process.

Further, this memorandum expands on the guidance contained within DECAL's Policy Memorandum, *Health and Safety Inspection Requirements*, January 30, 2015. Finally, this guidance was revised to clarify the distinction between a food service permit and a food service inspection based on additional clarity provided by the Georgia Department of Public Health (DPH).

As a general rule, a food service permit cannot be issued until a facility/site receives a satisfactory score on an initial inspection. Once a permit is issued, the facility/site must receive one or more routine inspection(s) during the Program operational period. Please refer to Part I (*Definitions*) of this memorandum for further clarity on applicable terminology.

Note: School Food Authorities (SFAs) are exempt from the requirements outlined herein. Additionally, CACFP At-risk Afterschool Centers and SFSP sites located, owned, and operated in schools participating in the National School Lunch Program (NSLP) or School Breakfast Program (SBP), and authorized to prepare meals in the school kitchen are also exempt. However, CACFP At-risk Afterschool Centers and

SFSP sites located in a school but *owned and operated by another private organization*, are not exempt from the health and safety inspection requirements as stated below.

This memorandum supersedes DECAL policy guidance, *Requirements for Obtaining a Food Service (Kitchen) Inspection (v2)*, dated June 6, 2016 and *Requirements for Obtaining a Food Service Permit (v3)*, January 26, 2018.

The information provided below is outlined in the following numerical parts:

- I. Definitions**
- II. Food Service Permit Requirements for the CACFP & SFSP**
- III. Food Service Management Companies (FSMCs)**
- IV. Transitioning To/From the CACFP & SFSP**
- V. Elements of the Food Service Permitting Process**
- VI. Claiming Costs as An Allowable CACFP/SFSP Expense**
- VII. Resources**

I. DEFINITIONS

“Health Authority” means the Georgia Department of Public Health (DPH), or a County Board of Health acting as its agent.

“Food Service Establishment” means public or private establishments which prepare and serve meals, lunches, short orders, sandwiches, frozen desserts, or other edible products directly to the consumer either for carry out or service within the establishment.

“Initial inspection” means an inspection of a food service establishment conducted by the Health Authority to determine the food service establishment’s compliance with applicable law and the Georgia Department of Public Health Rules and Regulations, Chapter 511-6-1 for the purpose of the issuance of a permit.

“Permit” means the document issued by the Health Authority that authorizes a person to operate a food service establishment and signifies satisfactory compliance with DPH rules.

“Permit holder” means the person who possesses a valid permit to operate a food service establishment and is legally responsible for the operation of the food service establishment such as the owner, the owner’s agent, or other person.

“Routine inspection” means the first complete inspection of a food service establishment conducted by the Health Authority after the initial inspection for issuance of a permit. For purposes of routine enforcement of Chapter 511-6-1, it is also the normal routine monitoring of the food service establishment by the Health Authority to assess satisfactory compliance with the provisions of Chapter 511-6-1.

II. FOOD SERVICE PERMIT REQUIREMENTS FOR THE CACFP & SFSP

A. CACFP

A food service permit is the document issued by the local Health Authority that authorizes a person to operate a food service establishment and signifies satisfactory compliance with Georgia DPH's rules. Federal regulations require CACFP institutions and facilities that operate as traditional child care centers or day care homes to be licensed or approved by Federal, State, or local health and safety authorities in order to be eligible for participation [7 CFR 226.6(d)]. These regulations do not require At-risk Afterschool Care Centers, Outside School Hours Care Centers (OSHCCs), or emergency shelters to be licensed. However, these entities must still meet State or local health and safety standards which include compliance with zoning, certificate of occupancy, fire inspection, and health department requirements.

All food service establishments must have a food service permit and a satisfactory health inspection report to operate. An institution's food service program is recognized as a food service establishment if the CACFP food service operations/kitchen staff *manipulates or alters* unpackaged food items/components to produce a meal for Program participants.

B. SFSP (Sponsors and Sponsored Sites)

All SFSP sponsors are required to enter into an agreement with DECAL ensuring their sites will maintain proper sanitation and health standards in conformance with all applicable State and local laws and regulations [7 CFR 225.6(e)(9)]. Like CACFP institutions, SFSP sites are also considered food service establishments if food prepared for SFSP meals is *manipulated or handled* (separating, assembling, cleaning, or cooking) by Program staff.

Notably, for self-prep sponsors/sites, a current food service permit and a satisfactory health inspection report is *required* unless the local health department indicates in writing that neither is required.

For further reference, please see DPH's PowerPoint presentation entitled, *Summer Food Service Program: Navigating the Health Department*. A link to the presentation is provided in Part VII and can also be found on DECAL's website.

C. Both CACFP and SFSP

During the application and/or renewal process, organizations must complete and submit DECAL's *Food Service Permit Inquiry Form* to the appropriate Georgia county environmental health office of its intent to provide food service during a specific period at specific facilities. The Health Authority will review the information to determine if a food service permit is required based on the proposed business model. If it is determined that a food service permit is not required, the Health Authority will indicate this in the designated section of the form and nothing further would be needed. If, however, it is determined that a food permit is required, CACFP and SFSP organizations must continue with the State's permitting process. **Note:** New and renewing intuitions/sponsors must also submit a copy of the form to DECAL during the application and/or renewal process. Additionally, institutions/sponsors must ensure that the form has been authorized (signed and dated) by both the delegated principal and the local health department prior to submission to DECAL.

DECAL's *Food Service Permit Inquiry Form* both the CACFP and SFSP is attached to this memorandum.

III. FOOD SERVICE MANAGEMENT COMPANIES (FSMCs)

Food Service Management Companies (FSMCs) must have State or local health certification (also known as a food service permit) for the facilities/sites in which they propose to prepare meals for use in the CACFP or SFSP. FSMCs must ensure State and local health and sanitation requirements are met at all times. Institutions planning to use FSMCs to prepare Program meals must ensure these facilities/sites have been fully inspected and approved by a State or local health and safety authority. Institutions must request a copy of the food service permit and forward it to DECAL as part of their CACFP or SFSP application/renewal process.

IV. TRANSITIONING TO/FROM THE CACFP & SFSP

In cases where the health and safety inspection standards for CACFP and SFSP sites are the same or more stringent, DECAL may accept documentation of a current food service permit obtained by a sponsor for SFSP. This option is also available for SFSP sponsors or sites transitioning from SFSP to CACFP. However, letters submitted to the health department of its intent to provide food service and letters requesting a food service permit do not meet the health and safety requirements for CACFP. A food service inspection must be performed by a State or local Health Authority for the food service establishment with a food service permit.

V. ELEMENTS OF THE FOOD SERVICE PERMITTING PROCESS

The food service permitting process varies slightly for each county and information requested per county may vary. Below are standard items that may be requested when applying for a food service permit. They will describe an institution's **Business Model**. DECAL strongly recommends that institutions and sponsors become knowledgeable and well prepared to present the following information in writing if requested. Refer to *Preparing for Your Health and Safety Inspection: Food Service Permits* for additional information on the food service permitting process.

- Name(s) and location(s) of where food is purchased or received
- Feeding sites
- Number of employees working at the central location and feeding sites
- Detail of how active managerial control will be maintained
- Where hot or cold food will be stored at the proposed feeding sites
- Delivery/transportation methods
- A sample menu for breakfast and lunch
- (If applicable) - Whether cooking and/or reheating of all proposed food items will be done at feeding location
- Whether food will be delivered in a unitized form or if manipulation will be required
- Plans that illustrate the layout of the kitchen facility and equipment
- Hours of operation
- Any other pertinent information

Duration of Process: The food service permitting process may take several weeks for completion. CACFP institutions and SFSP sponsors must contact their local health department well in advance of Program operations in order to ensure a smooth and successful process and to avoid interruption/delay of meal service.

VI. CLAIMING COSTS AS AN ALLOWABLE CACFP/SFSP EXPENSE

CACFP does not include additional funds for health and safety inspections. However, sponsoring organizations of day care homes may use up to \$300 in administrative funds per home to enable tier I homes to meet licensing, registration, or alternate approval requirements with specific prior written approval by DECAL [7 CFR 226.16(k)]. This cost would be included in the sponsoring organization's program budget as an administrative cost in their Administrative-DCH Licensing Expense line item.

Additionally, fees charged for inspections of At-risk Afterschool Care Centers, OSHCCs, emergency shelters, and SFSP sites are considered allowable costs and may be charged to their respective Programs. The cost must be included in the Program budget as an operating expense since this expense is incurred due to meal services. When submitting or updating Program budgets, sponsors and institutions must list food service inspection fees as follows: Use the cost category *Facilities and Space Costs* in GA ATLAS.

Costs will be evaluated and/or approved on a case-by-case basis. Only licensing and inspection fee costs are allowable (*with the exception of some SFSP/CACFP non-school food service facility rentals fees which will also be evaluated on a case-by-case basis*). Repairs, upgrades, and/or fees for permitting plan reviews required for facilities to be permitted or approved by the State or local health department may not be claimed as CACFP or SFSP Program costs. For additional budgetary and cost allowability questions, please contact Nutrition's Budget Compliance Supervisor.

Further, pursuant to state policy, all documentation to support food service inspection costs must be maintained and available upon review. Documentation must include (where applicable): a copy of the kitchen space lease/rental agreement; copies of payments made towards the agreement; and inclusion of the rental cost in the institution's or sponsor's Program budget [See also, *Recordkeeping Requirements*, DECAL Policy No. CACFP/02-18 and SFSP Policy No. SFSP/03-5].

VII. RESOURCES

- Listing of Georgia county environmental health offices can be found at: <https://dph.georgia.gov/sites/dph.georgia.gov/files/EnvHealth/Misc/EnvHealthContactInformation2019-03-13.pdf>
- Georgia Department of Public Health: Environmental Health Program website: <https://dph.georgia.gov/environmental-health>
- DPH *Navigating the Health Department: A General Guideline for A Smooth Interaction and Permitting Process*: <http://dec.al.ga.gov/SFSP/Handbook.aspx>
- DPH's Food Service Permit Application: <https://dph.georgia.gov/sites/dph.georgia.gov/files/EnvHealth/Food/Misc/EnvHealthFoodPermitAppFSEstabMobileFSOperation3.pdf>

For specific questions concerning this memorandum, please contact the Policy Administrator at (404) 651-8193.